

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

SEARS HOLDINGS CORPORATION, et al.,

Case No. 18-23538 (RDD)

(Jointly Administered)

Debtors.

-----X

DECLARATION OF ROSALIE RUBAUM

Dated: New York, New York
May 6, 2019

**ROBINSON BROG LEINWAND
GREENE GENOVESE & GLUCK P.C.**

By: /s/Robert M. Sasloff
Robert M. Sasloff
875 Third Ave, 9th Floor
New York, NY 10022-0123
Tel. No.: (212) 603-6300
rms@robinsonbrog.com

*Local Counsel for Wolf Family Series LP d/b/a
Series III, Wolf Family Series LP d/b/a Series VII;
Ontario Enterprises of the Wolf Family Series LP*

DECLARATION OF ROSALIE RUBAUM

I, Rosalie Rubaum, declare as follows:

1. I am the manager of Wolf Family Series LP D/B/A Series III, Wolf Family Series LP D/B/A Series VII; Ontario Enterprises Of The Wolf Family Series LP (collectively "Wolf"), a landlord to debtor Kmart Corporation ("Debtor") with respect to the retail premises located at 2530 S. Euclid Avenue,, Ontario, California, which is designated by Debtor as "Store #3483".

2. As manager for Wolf, I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

3. In addition, I am the primary custodian of the books, records, files and other records of Wolf relating to lease with the Debtor. I have personally worked on said books, records, files and credit records of Wolf, and I have personal knowledge of the following facts, or have gained knowledge from the business records of Wolf maintained by me and its employees in the ordinary course of its business at or near the times mentioned herein. If called to testify in this action as to matters set forth in this Declaration, I could and would testify competently thereto.

4. This declaration is submitted in further support of the filed *Objection Of Wolf Family Series LP D/B/A Series Iii, Wolf Family Series LP D/B/A Series VII, Ontario Enterprises Of The Wolf Family Series LP To (A) Notice Of Cure Costs And (B) Notice Of Assumption And Assignment Of Additional Designatable Leases* [Docket #3472] (the "Objection") in these chapter 11 cases with respect to the proposed assumption and assignment of certain leases, including a "Master Lease" and a related sublease (the "Sublease"), to Transform Holding LLC (the "Buyer"), which upon information and belief is an affiliate of ESL Investments, Inc.

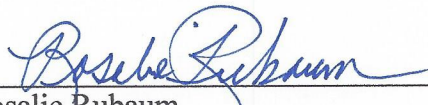
5. Over the weekend of May 3-5, 2019, there was yet another break in at the Premises (as defined in my prior Declaration) and over 300 feet of cooper piping and

1 related pipe valves were removed. The damages causes to the plumbing alone exceeds
2 \$50,000.00. The premises were further damaged in amounts as yet unknown. Wolf was
3 forced to again incur the expenses of securing the Premises.

4 6. Debtor closed Store #3483 (as defined in my prior Declaration) on January
5 10, 2019, and have effectively abandoned the Premises and the surrounding areas failing to
6 secure, maintain, repair or clean the Premises or surrounding areas.

7 Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is
8 true and correct.

9 Executed May 6, 2019, at Los Angeles, California.

10
11 
12 Rosalie Rubaum

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28